

Regular Session, 2010

HOUSE BILL NO. 1420

BY REPRESENTATIVE ST. GERMAIN

CIVIL SERVICE/FIRE & POL: Provides that the classified fire service shall be applicable to nonprofit corporations that enter into cooperative endeavor agreements with certain municipalities, parishes, and fire protection districts

1 AN ACT

2 To amend and reenact R.S. 33:2471 and 2531 and to enact R.S. 33:2481.4 and 2541.1,  
3 relative to the municipal fire and police civil service; to provide that the classified  
4 fire service shall be applicable to nonprofit corporations that enter into cooperative  
5 endeavor agreements with certain municipalities, parishes, and fire protection  
6 districts to provide fire protection services; to provide relative to positions in the  
7 unclassified service; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:2471 and 2531 are hereby amended and reenacted and R.S.  
10 33:2481.4 and 2541.1 are hereby enacted to read as follows:

11 §2471. Applicability

12 This Part applies to any municipality which operates a regularly paid fire and  
13 police department and which has a population of not less than thirteen thousand nor  
14 more than two hundred fifty thousand according to the latest regular federal census  
15 for which the official figures have been made public. This Part shall also apply to  
16 a nonprofit corporation that has entered into a cooperative endeavor agreement with  
17 any such municipality to provide fire protection services.

18 \* \* \*

1        §2481.4 Classified and unclassified service; nonprofit corporations

2                A. Notwithstanding any other provision of law to the contrary, the classified  
3        service shall also comprise every position, except those included in the unclassified  
4        service as provided in R.S. 33:2481(B) and Subsection B of this Section, to which  
5        the right of employee selection, appointment, supervision, and discharge is vested  
6        in a nonprofit corporation that has entered into a cooperative endeavor agreement  
7        with any municipality covered by this Part or with an officer or employee thereof to  
8        provide fire protection services and which position has as its primary duty and  
9        responsibility one of the following:

10                                (FIRE)

11                (1) The chief and assistant chiefs; the intradepartmental division, bureau,  
12        squad, platoon, and company officers of the fire department.

13                (2) Firefighting.

14                (3) Fire prevention; inspection.

15                (4) Driving, tillering, and operation of fire apparatus.

16                (5) Operations and maintenance of radio, fire alarm, or signal system.

17                (6) Fire department instructors in employee training.

18                (7) Fire salvage and overhauling services, first aid, advance life support, and  
19        emergency medical services.

20                (8) Automotive or fire apparatus repairs, if such service is operated  
21        exclusively by and for either or both the fire or police department.

22                (9) Secretary to the chief. Departmental records clerk.

23                B. Notwithstanding any other provision of law to the contrary, the  
24        unclassified service shall also comprise any position of employment, the duties of  
25        which are included in the classified service as provided in R.S. 33:2481(A) and  
26        Subsection A of this Section, to which the right of employee selection, appointment,  
27        supervision, and discharge is vested in and with those other than the municipal  
28        government or an officer or employee thereof or a nonprofit corporation that has

1 entered into a cooperative endeavor agreement with the municipality covered by this  
2 Part to provide fire protection services.

3 \* \* \*

4 §2531. Mandatory civil service in certain municipalities, parishes and districts

5           A. Permanent appointments and promotions for paid firemen and policemen  
6           in the classified civil service as enumerated herein in all municipalities having a  
7           population of not less than seven thousand and not more than thirteen thousand,  
8           according to the last preceding decennial census of the United States for which the  
9           final report of population returns have been printed, published and distributed by the  
10          director of the census or according to a special census authorized by R.S. 1:11.1  
11          subject to the approval of the local governing authority and verified by the state  
12          treasurer if said special census is later, and in all parishes and fire protection districts,  
13          shall be made only after certification pursuant to a general system based upon merit,  
14          efficiency and fitness, under which certificates shall be based on examinations  
15          which, so far as practical, shall be competitive, and all employees in the classified  
16          service shall be employed from those eligible under such certification.

17           B. The provisions of this Part shall also apply to appointments and  
18           promotions for paid firemen in the classified fire service who are employed by a  
19           nonprofit corporation that has entered into a cooperative endeavor agreement with  
20           any municipality, parish, or fire protection district covered by this Part to provide fire  
21           protection services.

22 \* \* \*

23 §2541.1 Classified and unclassified service; nonprofit corporations

A. Notwithstanding any other provision of law to the contrary, the classified service shall also comprise every position, except those included in the unclassified service as provided in R.S. 33:2541(B) and Subsection B of this Section, to which the right of employee selection, appointment, supervision, and discharge is vested in a nonprofit corporation that has entered into a cooperative endeavor agreement with any municipality, parish, or fire protection district covered by this Part or with

an officer or employee thereof to provide fire protection services and which position has as its primary duty and responsibility one of the following:

(FIRE)

(1) The chief and assistant chiefs; the intradepartmental division, bureau, squad, platoon, and company officers of the fire and police department.

(2) Firefighting and police.

(3) Fire prevention; inspection.

(4) Driving, tillering, and operation of fire apparatus.

(5) Operation and maintenance of radio, fire alarm or signal system.

(6) Fire and police department instructors in employee training.

(7) Fire salvage and overhauling services, and first aid.

(8) Automotive or fire and police apparatus repairs, if such service is operated exclusively by and for the fire and police department.

(9) Secretary to the chief and departmental records clerk.

B. Notwithstanding any other provision of law to the contrary, the unclassified service shall also comprise any position of employment, the duties of which are included in the classified service as provided in R.S. 33:2541(A) and Subsection A of this Section, to which the right of employee selection, appointment, supervision, and discharge is vested in and with those other than the municipal, parish, or fire protection district government or an officer or employee thereof or a nonprofit corporation that has entered into a cooperative endeavor agreement with the municipality, parish, or fire protection district covered by this Part to provide fire protection services.

\* \* \*

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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St. Germain

HB No. 1420

**Abstract:** Relative to the classified fire service, to make the provisions of such service applicable to nonprofit corporations that enter into cooperative endeavor agreements with municipalities, parishes, and fire protection districts to provide fire protection services.

Present constitution creates a fire and police civil service system applicable to municipalities of over 13,000 in population and parishes and fire protection districts. Provides that the system is subject to Art. XIV, §15.1 of the 1921 Constitution made statutory by the 1974 Constitution. Present law creates and provides for two fire and police civil service systems: (1) one applicable to any municipality which operates paid police and fire departments and which has a population of not fewer than 13,000 persons; and (2) one applicable to any parish, fire protection district, or municipality with a population of fewer than 13,000, but not fewer than 7,000 persons. Present constitution authorizes modifications to such systems (by law adopted by a 2/3 vote of each house of the legislature in the case of provisions of Art. XIV, §15.1 of the 1921 Constitution made statutory by the Constitution of 1974) but prohibits the legislature from abolishing the system or making it inapplicable to covered jurisdictions.

Proposed law retains present constitution and present law. Proposed law additionally provides that the classified fire service shall be applicable to a nonprofit corporation that has entered into a cooperative endeavor agreement with any municipality, parish, or fire protection district to which present law applies to provide fire protection services.

Present law provides that the classified service shall comprise every position, except those included in the unclassified service, to which the right of employee selection, appointment, supervision, and discharge is vested in the municipal government or with an officer or employee thereof, and which has as its primary duty and responsibility one of the following:

## (FIRE)

- (1) The chief and assistant chiefs; the intradepartmental division, bureau, squad, platoon, and company officers of the fire department.
- (2) Firefighting.
- (3) Fire prevention; inspection.
- (4) Driving, tillering, and operation of fire apparatus.
- (5) Operations and maintenance of radio, fire alarm, or signal system.
- (6) Fire department instructors in employee training.
- (7) Fire salvage and overhauling services, first aid, advance life support, and emergency medical services.
- (8) Automotive or fire apparatus repairs, if such service is operated exclusively by and for either or both the fire or police department.

- (9) Secretary to the chief. Departmental records clerk.

(POLICE)

- (1) The chief and assistant chiefs; the intradepartmental division, bureau, squad, platoon, and company officers of the police department.
- (2) Law enforcement.
- (3) Crime prevention; identification; inspection; and investigation.
- (4) Police headquarters desk service; jailer, and police matron.
- (5) Operations and maintenance of radio, police alarm, or signal system.
- (6) Police department instructors in employee training.
- (7) Police control of traffic (vehicular and pedestrian.)
- (8) Automotive or police apparatus repairs, if such service is operated exclusively by and for either or both the police or fire department.
- (9) Secretary to the chief. Department records clerk.

Proposed law retains present law and additionally provides that the classified fire service shall also comprise every position, except those included in the unclassified service, to which the right of employee selection, appointment, supervision, and discharge is vested in a nonprofit corporation that has entered into a cooperative endeavor agreement with any municipality, parish, or fire protection district covered by present law, or with an officer or employee thereof to provide fire protection services and which has as its primary duty and responsibility (1) through (9) above in the fire service.

Present law additionally provides relative to the persons and positions comprising the unclassified service including but not limited to officers elected by popular vote, persons appointed to fill vacancies in elective offices, and any position of employment, the duties of which are included in the classified service, to which the right of employee selection, appointment, supervision, and discharge is vested in and with those other than the municipal, parish, or fire protection district government or an officer or employee thereof.

Proposed law retains present law and additionally provides that the unclassified service shall comprise any position of employment, the duties of which are included in the classified service, to which the right of employee selection, appointment, supervision, and discharge is vested in and with those other than any other than the city, parish, or fire protection district or a nonprofit corporation that has entered into a cooperative endeavor agreement with the municipality, parish, or fire protection district covered by present law to provide fire protection services.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 33:2471 and 2531; Adds R.S. 33:2481.4 and 2541.1)